App. F. IX-4

✓ P

Previous References

R. 320-29-1-6.

1932
(Miscl)

File No. 123-32

Serial Nos. 1-2

Later References

Misc. 123-32 — 3 + 4
Misc. 299-32-1-7

General and Revenue Secretariat.

Serial Nos. 2

Part B for November 32

SUBJECT.

Appeal re restoration of Devadayam inam lands of Musafirkhana at Ujalankha.

To. The Haji Syed Abdul Gaffar.
Merchant, C & M. Station
Russell Market Square Bangalore

No 84 1-9 23 11 32

Rejected the appeal

Serial No.

1

Petition of 25-10-32 from Haji Syed Abdul Gaffar merchant 947 & 47 Station Bungalow Russell Market Square praying for the restoration of the Dharmadaya lands endowed as Inam for the upkeep of Musafirkhana at Yelahanka and also requesting the issue of instructions to the local authorities not to take measures to dispossess him of the Institution and the land.

1) For orders in the petr's request
refd to m-c- for report.

2) Whether the grant is a Sharjamdar as suggested for is necessary is also pointed out.

GS
29/10

3) Please put up the previous file which led to the G.O. refd to by the petrs.

2/11/32

4) L.R. 320-29-6 containing 15/4/30
R 6829/LR & ~~transfer~~ is put up

GS
3/11

It will be kindly seen from the notes in Depy Collectr L.R. file no. 320-29 of 29-30 put up for perusal that the petrs case has been fully considered and the appeal rejected in April 1930. The petrs has evidently no case.

For Secy) The only point to be considered now is this. Will or can the Inam be restored now if he Elects the Petrs now? In the future the

7/11/

E—Contn. Sheet.

WD 70—GBPM—60,000—13-8-32.

definite orders in the part, this does not seem to be intended.
25 cwj.

10.11.32

I agree. The petn may be rejected

14/11.

Dpt. Ireland

16/11

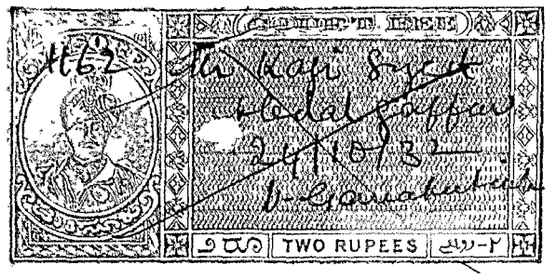
17/11

Encl No 841 of 23/11/32 to Mr Haji Syed Abdul Guffor Merchant Russell Market Square Civil and Military Station Bangalore intimating that his petition is rejected.

25/11

SECRET BRANCH 10 NO No. 24

NG 18 NOV 1 REV



25.10.32
875

Before Sir Mirza Mahomed Ismail, Kt, B.A., C.I.E., C.B.E.,
Dewan Saheb of Mysore,
Bangalore.

Humble petition of Haji Syed Abdul Gaffoor Merchant, No. 94/4&4, Stn, Bangalore. Russell Market Square.

PRIVATE SECRETARY TO HE DEWAN OF MYSORE

GENERAL SECTION 492 OCT 1932

***

MOST RESPECTFULLY SHEWETH:-

(1). Petitioner's mother's father one Sheik Ismail Saheb built the Mussafarkhana at Yelahanka about two centuries ago and the Government of H.H. the late lamented Sir Krishnaraja Wadeyar III endowed the said Mussafarkana with the lands mentioned in the schedule hereto appended as per Nirupa and proclamation of date 11-11-1851 and thence forward the said institution has been under the management of the family of the said Sheik Ismail Saheb and his sons and since the latter became issueless, as per terms of registered deed of date 23-1-79, petitioner's father Syed Ibrahim Saheb son in law of Sheik Ismail Saheb, became entitled to the Hakdari and thereafter petitioner has been in management. The lands have been noted as dharmadaya inams annexed to the Institution for its upkeep and maintenance in the Inam Register.

2. The lands are mainly dry lands and unfit for cultivation They are leased out as grazing lands and annually a sum of about Rs 38/- is obtained therefrom from which quit rent of Rs 31-2-6 including cesses has to be paid A net income therefore of Rs 6-12-6 is realised from the inams.

3. Since however the institution has been built and managed by petitioner's ancestors the same has had a particular and sentimental value so far this petitioner is concerned and from time to time petitioner has been spending moneys from his own private funds for the purpose of keeping the institution in a fit condition.

4. The management has come down undisturbed till about 28-8-26 when the Taluk Muzrai Officer caused a notice to be served on petitioner to attend to the " Necessary repairs" in default resumption was threatened. The said notice was served on petitioner on 4-9-26 and six months time was given within which to effect the said repairs.

5. Petitioner immediately put the roofing of the building in order , repaired the leakages and lime washed the building and effected other petty repairs and reported the same to the authorities concerned and wanted extension of time by two months in case further repairs were insisted upon. The said petition was despatched on 26-3-1927.

6. However before the expiry even of the 6 months granted a report against the petitioner appears to have been submitted by the local authorities and upon data which were not accurate the Muzrai Commissioner in his order dated 14-4-27 has directed resumption of the Inam granted and dispossession of the petitioner from the institution in question and Government have sanctioned their approval to the same. The order is not based on the full meterial available and is premature. Petitioner's application dated 26-3-27

was pending disposal.

7. The allegation against the petitioner was that he did not enclose the building with a compound wall and did not cause and pucca covered up well to be dug up and the like. Petitioner was not in a position to understand that the term "necessary repair" included the said pieces of work. At any rate he was considerably handicapped for want of definite instructions in detail.

8. On 8-6-1927 the petitioner represented these matters to the District Muzrai Officer and the said Officer caused notice to be issued to petitioner to appear and give his statement on 30-6-27 but before anything further was done petitioner was shut out again on the ground that the Muzrai Commissioner had on 14-4-27 issued what were apparently held to be ~~trial~~ final orders in the case.

9. And coercive processes are now taken and petitioner is interdicted from entering upon the premises and the land. As it happens the petitioner has caused a casurina tope about forty thousand trees in number to be raised on the land at his own cost and a big sum is invested. Even though the income from the land as may well be found from the records is negligible, petitioner has been out of sentiment advancing moneys for its upkeep. Quit rent including that for 1930/31 1931-32 has been recovered from the petitioner and petitioner has been led to believe that nothing disastrous so far as his rights to the Hakdari are concerned would be permitted to be occasioned in the circumstances set out above. Your honour will be graciously pleased to see that petitioner is not to

to blame and that the orders issued were based on data prematurely reported and without consideration of the entire circumstances. Petitioner is entitled to special equities and disturbance of his rights means irreparable and unmerited injury;

Wherefore, petitioner most respectfully prays that the records relating to the case may be called for by your honour and the order revised and the institution and the lands annexed thereto restored to the petitioner. At any rate there is nothing in law in spite of the order already passed to prevent a "regrant" of the same to the Hakdari of the petitioner. Petitioner also begs that in the meanwhile the local authorities may be directed not to take measures to disposses him of the Institution and the land. In case your honour deems a report necessary the same may also be obtained and petitioner has no doubt that the foregoing statement of facts will be found verified.

Schedule.

Survey Nos. 2,4,5,7,8,9 ,11 and 13 Dry measuring about 238 acres, 23 guntas, belonging to Vaderapur, Yelahanka Hobli, Bangalore taluk assessed to quit of Rs 31-2-6 including cesses.

Petitioner produces the following referenees.

1. Nirupu and proclamation of date 11-11-1851
2. Deed dated 23-1-1879.
3. Copy of petition/26-3-27.
4. notice dated 28-8-26 served on petitioner on 4-9-26.
5. Order of District Muzrai Officer asking petitioner to appear on 30-6-27.
6. Endorsement /12-4-30. No.6829/LR 320/29-6.
7. Notice dated 5-9-32 calling upon petr.not to enter on the land etc.

25th Oct

~~17th Septr~~32.
Bangalore City,

Petitioner.

ಪ್ರಥಮ ಮಾಹಿತಿ ವರದಿ

ಠಾಣೆ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ 5/2196

ಠಾಣೆಯಲ್ಲಿ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ

ಪ್ರಥಮ ಮಾಹಿತಿ ವರದಿ

ಠಾಣೆಯ ಹೆಸರು ಮತ್ತು ಜಿಲ್ಲೆ ಠಾಣೆ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ ಮತ್ತು ದಿನಾಂಕ

ಕಲಂ ಮತ್ತು ಕಾಯ್ದೆ

ಮಾಹಿತಿಯ ಸಮಯ ಮತ್ತು ದಿನಾಂಕ

ಸಾಮಾನ್ಯ ಡೈರಿಯಲ್ಲಿ ನಮೂದಿಸಿದ ಸಮಯ ಮತ್ತು ದಿನಾಂಕ

ಮಾಹಿತಿಯ ಸ್ವರೂಪ

ಮಾಹಿತಿದಾರರ ಮತ್ತು ಅಪರಾಧಿಗಳ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ

ಅಪರಾಧ ನಡೆದ ಸ್ಥಳ ಮತ್ತು ಅಂತರ ಮತ್ತು ದಿಕ್ಕು

ಅಪರಾಧ ನಡೆದ ಸಮಯ ಮತ್ತು ದಿನಾಂಕ

ಕ್ರಮ ಕೈಗೊಂಡ ವಿವರ

ಮಾಹಿತಿದಾರರ ಸಹಿ

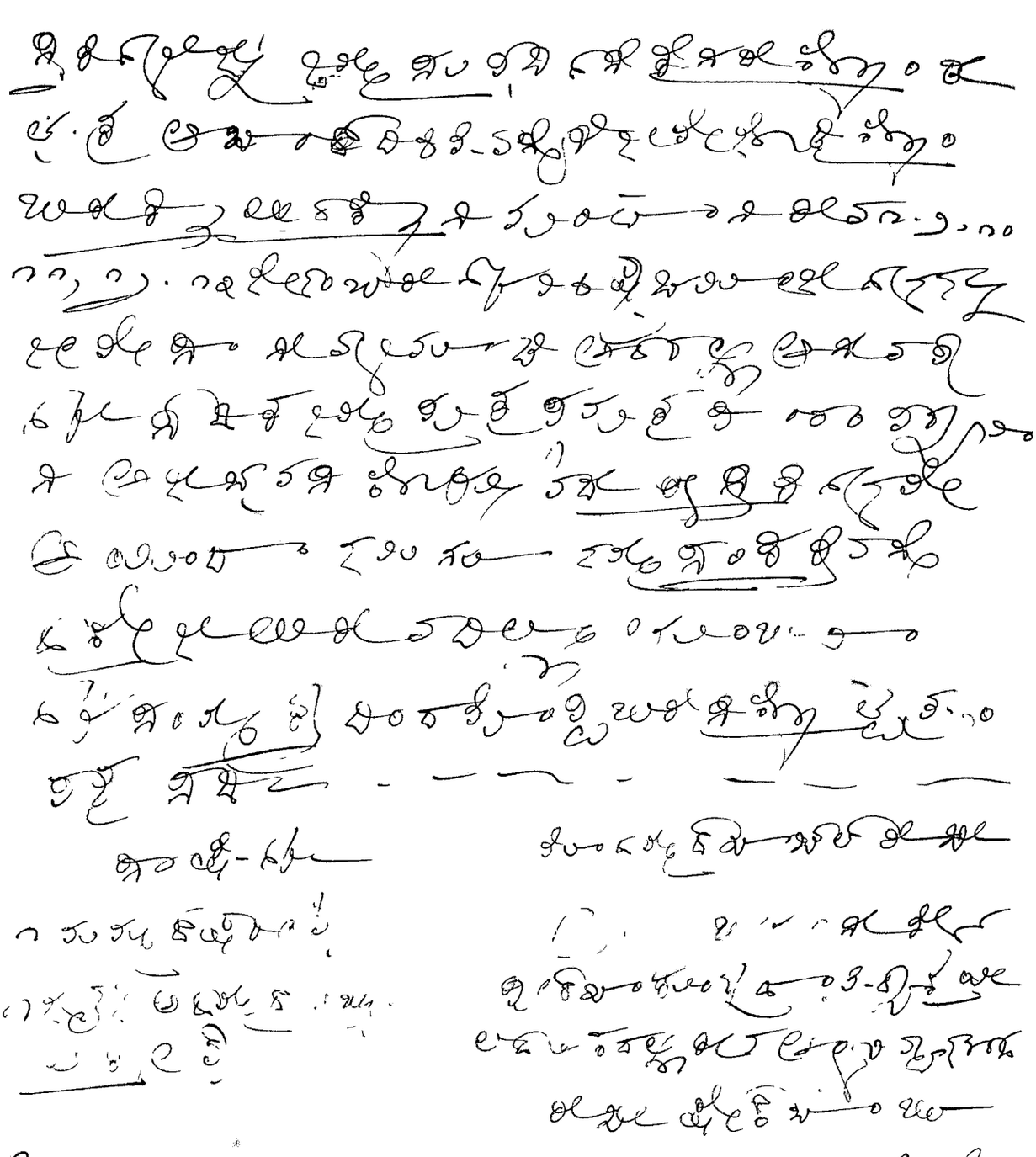
ಪ್ರಥಮ ಮಾಹಿತಿ ವರದಿ ತಯಾರಿಸಿದ ಅಧಿಕಾರಿಯ ಸಹಿ

8

True Copy of Original document.

Bangalore Taluk Seal

4/- ಅಂತ
ಮೇಲಿನಂತೆ



Punkd on the 7th April 1879 at 1 P.M. in the office of the Sub Registrar of Jessore by the undersigned. The executant to appeared at the Registrar office This day 9th April 1879 D. R. Coopoosamy Sub Registrar

The undersigned admits the execution of this

The 1st executant Peerakhatoon, a gosha woman remained in a boundy outside the Registry office and admitted execution after hearing the document read to her in my presence.

The executants Peerakhatoon, Mohamed Fazil, Shaik Baboo and Shaik Hossain mother Hosain

residing in the aug
sworn to Fakeer Sahib, a member of the Yellahanka
unicipal Board, who certifies in my presence
to the identity of the executants and signed
his endorsement as an identifying witness.

Sd A. Coopoosamy
Sub Registrar
9/4/79

ie 3rd executant Shaik Baboo who is undergoing
imprisonment in the Bangalore Central Jail
as sent to the Registrar's office by the Superintendent.
the Central Jail on application being made
him

Sd A. Coopoosamy
Sub Registrar

Registered as no 3 of Book no 1 Vol II pages
276 to 279. Fees received three rupees only —

Sd: A. Coopoosamy
Sub Registrar

(.) Seal of Sub Registrar of Yellahanka.

(True Copy of Original document.)

Bangalore
Dated the 26th March 1923

To

The Amildar
Bangalore Taluk

Sir, In obedience to the order G.L. 935/26-26 from the Deputy Commissioner I beg to inform you that Sapais to Hosapete at Gollahunda was completed by fourteen Thus was only delay of two months owing to gathering materials

Yours faithfully
Sd Syed Abdul Gaffar

Bangalore District
Dated 14th June 1927

GL C3-3955
26-27.

Endorsement

With reference to his petition dated 8th inst.
re. handing over the chattram in Yellahanka,
Hajee Syed Abdul Gaffar, furniture merchant
New Market square C+M station, Bangalore
is informed that he may see the undersigned
in this connection on the 30th June 1927.

(Sd) A.H. Domel
for Dy Commissioner.

(True copy of Original endorsement of the
deputy Commissioner
Bangalore)

Dated, Bangalore 12th April 1930
15th

No 6829/2 R 320-29-6

Encl 2.

Endorsement

Granted to Hajee Sayed Abdul Goffar, Coles Road
C/o Mr F.M. Xavier, B.a, L.L.B, Advocate C&M
Station, Bangalore

In reply to his petition dated 11th November 1929 appealing against the order of the Revenue Commissioner in respect of the inam lands granted for the upkeep of Khatiam at Jellakunta, Bangalore Taluk, and taking over the Khatiam under Government management the petitioner is informed that Government see no reason to interfere in the matter. His petition is accordingly rejected. The enclosures are herewith returned.

By order
(Sd) N.S. Iyengar
for Development Secretary
to Government

TC.

True copy of original endorsement of the Government of Mysore.

(True Copy of Assignment Notice
Amikolar, Bangalore)

(16

(True copy of Conqueal order of Amildar)

Please quote this number in your future communications.
No. 8641

Office of the ... Chief Secretary ...

Dated ... 16th ... 1932

17

Mej/23-32 2

2305

ENDORSEMENT.

To

Mr. Haji Syed Abdul Gaffar
Merchant No. 9 Market Square Bangalore

Reference:—His/~~Her letter~~/petition dated 25/10/32

Subject:—

Re: Restoration of the Jewish Religious Usufructs in Musafirkhana at Yelahanka.

Reference is invited to item No 1 below.

Signature. 17/11/32

Designation. for Secretary to Govt
Home Dept.

The petitioner's case was fully considered this appeal was rejected in April 1930. There are no reasons to reconsider the same and the petition is rejected.

*1. ~~The request cannot be granted~~...

2. The letter/petition has been referred to ... for ...

3. Attention is drawn to this office No. ... dated ...

4. No. ... dated ... cannot be traced; a copy may be sent.

5. The enclosures are not received.

6. The petition is returned herewith as
   (i) it is not in the prescribed form
   or (ii) it is not duly stamped
   or (iii) it is not presented within the prescribed time
   or (iv) it is not accompanied by a copy of the order appealed from or complained of.

7. The petition is returned for presentation to ...

8. The petition is returned
   (a) as it is written illegibly
   (b) as its subject matter is not clear
   (c) as it is couched in improper language

* Reasons if any to be mentioned in brief

WD 01734—GPB—8,000—15-4-28